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August 12, 2013

Hon. Arthur D. Spatt, U.S.D.J.
UNITED STATES DISTRICT COURT
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: *John T. Corpac, et al. v. Rubin & Rothman, LLC*
E.D.N.Y. Case No. 2:10-cv-04165-ADS-ETB

Dear Senior Judge Spatt,

I am Class Counsel in the referenced matter. In his recently filed reply brief, the Objector introduces new evidence, arguments, and case law all of which should have been, but were not, properly raised in the Objector's initial moving papers. [Doc. 94]. Accordingly, and for the reasons set forth below, the Parties jointly request leave to file a sur-reply.

The Objector's reply brief improperly raises new arguments based upon a letter he received from the Legal Aid Society of New York. [Doc. 94 at pgs. 1 & 4; Doc. 94-1 at ¶3, Exh. A]. Moreover, the Objector raises new arguments that "a *de minimis* recovery serves as grounds for denying class certification in FDCPA cases" and cites new case law to support the proposition [Doc. 94 at pg. 4]. Notably, the Objector fails to include pertinent facts with respect to the Legal Aid Society letter, and further mischaracterized the case law cited, and failed to cite contrary authority, with respect to his "a *de minimis* recovery" arguments serving as a basis to deny class certification.

In sum, the Objector's introduction of new evidence, arguments, and case law for the first time on reply is improper as it denies the Parties any opportunity to respond. The Objector's tactics are in further contravention of the Court's stated desire that he "present all of its objections to the amended class settlement" [Doc. 78], which would ensure a "far more efficient and cost effective" objection process which would, in turn, conserve the resources of the Parties and the Court and further the interests of judicial economy. [Doc. 76].

In light of the foregoing, the Parties respectfully request that Your Honor grant them leave to file a joint sur-reply addressing the Objector's above-referenced new evidence, arguments, and case law, all of which were raised for the first time in the Objector's reply brief [Doc. 94].

Respectfully submitted,

s William F. Horn

William F. Horn

via ECF Filing Only

cc: All Counsel of Record via ECF only